

wherein  $R_1$  is

(1) a substituted or unsubstituted furanose or dioxolane that is bound at the 1' position to the N 9 ring nitrogen of the purine of formula (I), or is

(2)  $R_3$ -OR<sub>4</sub>, where  $R_3$  is a C<sub>2</sub>-C<sub>5</sub> alkyl, alkenyl, or alkynyl and -OR<sub>4</sub> is a C<sub>2</sub>-C<sub>5</sub> alkoxycarbonyl or alkoxy alcohol, and  
wherein  $R_2$  is H, O, NH<sub>2</sub>, or NHAc.

30. (New) The composition according to claim 29 wherein  $R_1$  is furanose,  $R^3$  is a C<sub>2</sub>-C<sub>5</sub> alkyl and -OR<sub>4</sub> is a C<sub>2</sub>-C<sub>5</sub> alkoxy alcohol.

31. (New) The composition according to claim 29 wherein  $R_1$  is dioxolane.

#### REMARKS

Claims 1 and 24-31 are pending in this application. Claims 2-6 have been cancelled. Claims 7-23 have been cancelled/withdrawn from further consideration as being drawn to nonelected inventions or species. This response represents a resubmission of a response previously filed in this application and dated November 3, 2003. No substantive change has been made to the original amendment/response filed November 3, 2003. Applicants maintain that the instant amendments to claim 1 address all of the outstanding grounds for rejection imposed in the May 3, 2003 Office Action issued in the instant application and that each of pending claims 1 and 24-31 are in

condition for allowance. Support for the amendment to claim 1 and new claims 24-31 can be found throughout the original specification, examples and claims and in particular *inter alia*, at pages 9-10, page 11, scheme 1, page 12, scheme 2, page 13, scheme 3, page 14, line s6-9 and 11-13, page 16, first full paragraph, page 17, third full paragraph, page 21, scheme 5, page 22, scheme 6, page 23, scheme 7, page 24, scheme 8, page 26, scheme 11 and page 27, scheme 12.

It is noted that the Examiner had included with the office action of June 3, 2003 a copy of Applicants' previously submitted PTO Form 1449 which was previously submitted as part of an information disclosure statement and which lists references which were presented and considered during the prosecution of the parent application to this application, s.n. 09/033,996. Applicants note that the Examiner has not initialed the form evidencing that the specifically disclosed references have been considered by the Examiner. If the Examiner has found it difficult to get the copies of the disclosed references from the parent application, he should so note and Applicants will provide copies to the Examiner so that all the references are considered.

The Examiner has rejected original claims 1, 7 and 13 under 35 U.S.C. §112, second paragraph as being indefinite for the reasons which are set forth in the office action on page 3. Applicants maintain that the proposed amendments to claim 1 obviate the alleged basis for this rejection and that the amended claim particularly points out that the modifications occur on the structural core of the purine compounds as claimed.

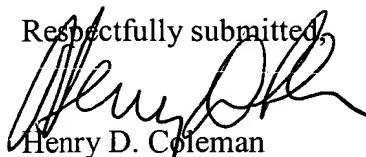
Accordingly, Applicants maintain that claim 1 and new claims 24-31, dependent thereon, satisfy 35 U.S.C. § 112, ¶ 2 in that they particularly point out and distinctly claim the claimed invention. Support for the instant claim amendments is found in the specification of the application as originally filed, e.g., at pages 11-38, including but not limited to schemes 1-14.

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In light of all of the foregoing, it is respectfully maintained that the instant amendments and remarks address all of the grounds for rejection raised by the Examiner. Accordingly, Applicants respectfully maintain that all of the pending claims should be passed to issue. No fee is due for the presentation of this amendment (22 claims cancelled, 8 dependent claims added). A petition for an extension of time of two months was previously submitted as was a check in the amount of \$200 for the extension fee. If any additional fee is due or any overpayment has been made, please debit/credit deposit account no. 04-0838.

Respectfully submitted,



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